

## **Part 5 Paleontology**

### **79-3-501 Permit required to excavate critical paleontological resources on state lands -- Removal of specimen or site.**

- (1)
  - (a) Before excavating for critical paleontological resources on lands owned or controlled by the state or its subdivisions, except as provided in Section 79-3-502, a person must obtain a permit from the survey.
  - (b) Application for a permit shall be made on a form furnished by the survey.
  - (c) The survey shall make rules for the issuance of permits specifying or requiring:
    - (i) the minimum permittee qualifications;
    - (ii) the duration of the permit;
    - (iii) proof of permission from the land owner that the permittee may enter the property for purposes specified in the permit;
    - (iv) research designs that provide for the maximum recovery of scientific, paleontological, and educational information, in addition to the physical recovery of specimens and the reporting of paleontological information meeting current standards of scientific rigor;
    - (v) the need, if any, to submit data obtained in the course of field investigations to the survey;
    - (vi) proof of consultation with the designated museum representative regarding curation of collections;
    - (vii) proof of consultation with other agencies that may manage other legal interests in the land; and
    - (viii) other information the survey considers necessary.
- (2) All paleontological work shall be carried out under the supervision of the director, or assigned staff.
- (3) A person may not remove from the state, prior to placement in a repository or curation facility, a specimen, site, or portion of a specimen or site from lands owned or controlled by the state or its subdivisions, except as provided in Section 79-3-502, without permission from the survey, and without prior consultation with the landowner or other agencies managing other interests in the land.

Renumbered and Amended by Chapter 344, 2009 General Session

### **79-3-502 Permit required to excavate critical paleontological resources on school and institutional trust lands -- Removal of specimen or site.**

- (1)
  - (a) Before excavating for critical paleontological resources on school or institutional trust lands, a person must obtain a permit from the School and Institutional Trust Lands Administration.
  - (b) The School and Institutional Trust Lands Administration may, by rule, delegate the authority to issue excavation permits for critical paleontological resources to the survey.
  - (c) Application for a permit shall be made on a form furnished by the School and Institutional Trust Lands Administration.
  - (d) Prior to issuing a permit, the school and institutional trust lands administration shall consult with the survey director, or assigned staff, pursuant to Section 79-3-508.
  - (e) The School and Institutional Trust Lands Administration shall enact rules for the issuance of permits specifying or requiring:

- (i) the minimum permittee qualifications;
  - (ii) the duration of the permit;
  - (iii) the need, if any, to submit data obtained in the course of field investigations to the administration;
  - (iv) proof of consultation with the designated museum representative regarding curation of collections; and
  - (v) other information the School and Institutional Trust Lands Administration considers necessary.
- (2) A person may not remove from the state, prior to placement in a repository or curation facility, a specimen, site, or portion of a specimen or site from school and institutional trust lands without permission from the School and Institutional Trust Lands Administration, granted after consultation with the survey.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-503 Ownership of collections and resources.**

- (1) Collections recovered from lands owned or controlled by the state or its subdivisions, except as provided in Subsection (2), shall be owned by the state.
- (2) Collections recovered from school and institutional trust lands shall be owned by the respective trust.
- (3) Paleontological resources, other than critical paleontological resources, recovered from school and institutional trust lands, shall be owned by the respective trust and shall be managed pursuant to statutory authority of the School and Institutional Trust Lands Administration.
- (4) The repository or curation facility for collections from lands owned or controlled by the state or its subdivisions shall be designated pursuant to Section 53B-17-603.
- (5) Specimens found on lands owned or controlled by the state or its subdivisions may not be sold.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-504 Revocation or suspension of permits -- Criminal penalties.**

- (1) A permitting agency under Section 79-3-501 or 79-3-502 may revoke or suspend a permit if the permittee fails to conduct the excavation pursuant to the law, the rules enacted by the permitting agency, or permit provisions.
- (2)
  - (a) A person violating any provision of Section 79-3-501 or 79-3-502 is guilty of a class B misdemeanor.
  - (b) A person convicted of violating any provision of Section 79-3-501 or 79-3-502, or the rules promulgated by the survey or the School and Institutional Trust Lands Administration under those sections, shall forfeit to the state or the respective trust all paleontological resources discovered by or through the person's efforts, in addition to any penalties imposed.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-505 Paleontological landmarks.**

- (1)
  - (a) Sites of significance or sites with exceptional fossils may be recommended to and approved by the board as state paleontological landmarks.

- (b) No privately owned site or site on school or institutional trust lands may be so designated without the written consent of the owner or the trust.
- (2) A person may not excavate on a privately owned designated landmark without a permit from the survey.
- (3) Before an alteration is commenced on a designated landmark, three months notice of intent to alter the site shall be given the survey.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-506 Report of discovery on state or private lands.**

- (1) A person who discovers any paleontological resources on privately owned lands or on lands owned or controlled by the state or its subdivisions shall promptly report the discovery to the survey.
- (2) Field investigations shall be discouraged except in accordance with this chapter.
- (3) Nothing in this section may be construed to authorize a person to excavate for paleontological resources.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-507 State paleontological register -- Survey duties.**

- (1) The survey shall establish a state paleontological register for the orderly identification and recognition of the state's paleontological resources.
- (2) The board shall notify owners of sites and localities before placing those sites or localities on the State Paleontological Register.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-508 Agency responsibilities -- Allowing director reasonable opportunity to comment.**

- (1) Before expending state funds or approving an undertaking, each state agency shall:
  - (a) take into account the effect of the undertaking on a specimen that is included in or eligible for inclusion in the State Paleontological Register; and
  - (b) allow the director or assigned staff a reasonable opportunity to comment regarding the undertaking or expenditure.
- (2) The director or assigned staff shall advise on ways to maximize the amount of scientific, paleontological, and educational information recovered, in addition to the physical recovery of specimens and the reporting of paleontological information, at current standards of scientific rigor.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-509 Curriculum and materials for the training of volunteers who assist paleontologists.**

- (1) The survey shall develop a curriculum and materials for the training of volunteers who assist paleontologists in the field and laboratory.
- (2) The director shall appoint a qualified survey employee to develop the curriculum and materials under this section.
- (3) The survey may request input and assistance from any interested organization in developing the curriculum and materials.
- (4) The survey may collect fees to cover the costs of the materials and updating of the curriculum.

Renumbered and Amended by Chapter 344, 2009 General Session

**79-3-510 Protection of school and institutional trust land interests relating to paleontological resources.**

- (1) The School and Institutional Trust Lands Administration shall develop policies and procedures for the excavation, preservation, placement in a repository, curation, and exhibition of critical paleontological resources from school and institutional trust lands that:
  - (a) are consistent with the provisions of the school and institutional land grants; and
  - (b) insure that primary consideration is given, on a site or project specific basis, for the support of the beneficiaries of the school and institutional land grants.
- (2) Consistent with the provisions of the school and institutional land grants, the School and Institutional Trust Lands Administration may:
  - (a) preserve and develop sites found on school and institutional trust lands for scientific or educational purposes; and
  - (b) provide for the disposition of sites found on school and institutional trust lands, after the appropriate level of data recovery, for preservation, development, or economic purposes.

Renumbered and Amended by Chapter 344, 2009 General Session